



31 South Summit Avenue
Gaithersburg, Maryland 20877
Telephone: 301-258-6330

MINUTES OF A REGULAR MEETING OF THE PLANNING COMMISSION SEPTEMBER 19, 2007

Chair John Bauer called the meeting to order at 7:30 p.m. Present at the meeting were Vice-Chair Lenny Levy, Commissioners Matthew Hopkins, Lloyd Kaufman, and Danny Winborne, Alternate Commissioner Geri Lanier, City Attorney Cathy Borten, Planning and Code Administration Director Greg Ossont, Planning Director Lauren Pruss, Community Planning Director Trudy Schwarz, Planners Jacqueline Marsh and Patricia Patula, and Recording Secretary Myriam Gonzalez. Chair Bauer noted Alternate Commissioner Lanier would join the Commission at the dais but would not actively participate this evening, since all Commissioners were present.

I. APPROVAL OF MINUTES

September 5, 2007, Planning Commission Meeting

Vice-Chair Levy moved, seconded by Commissioner Kaufman, to APPROVE the Minutes of the September 5, 2007, Planning Commission Meeting, as submitted.

Vote: 4-0-1 (Abstained: Hopkins)

II. RECORD PLATS

R-1223 thru R-1227 – Plats 21 thru 25, Watkins Mill Town Center

Vice-Chair Levy moved, seconded by Commissioner Winborne, to APPROVE the Record Plat Agenda.

Vote: 5-0

III. CONSENT

AFP-07-028 -- M&T Bank
215 North Frederick Avenue
Minor Elevation Change
AMENDMENT TO FINAL PLAN REVIEW

CD Zone

Vice-Chair Levy moved, seconded by Commissioner Kaufman, to APPROVE the Consent Agenda.

Vote: 5-0

IV. SITE PLANS

CSP-07-001 -- GE Technology Park I-3 Zone
100 Edison Park Drive
Three Office/Warehouse Buildings
Totaling 202,175 Square Feet
Concept Plan
DENIAL RESOLUTION

Planner Marsh noted the Commission had directed staff at its September 5, 2007, meeting to prepare an opinion resolution of denial, which is before the Commission this evening. She reported the resolution had been reviewed by the City Attorney. Commissioner Hopkins noted he was absent at the September 5 meeting, but had viewed the meeting and was competent to vote.

Vice-Chair Levy moved, seconded by Commissioner Kaufman, to
ADOPT a Resolution DENYING CSP-07-001 - GE Technology Park,
Concept Plan.
Vote: 5-0

SP-07-0011 -- Monument/IBM I-3 Zone
800 Watkins Mill Road
Phases IIA & IIB Parking
FINAL PLAN REVIEW

Deferred until later in the evening (see Page 5).

SP-04-0007 -- Rashidian Estates R-90 Zone
100 Central Avenue
Four Single-Family Detached Units (1 Existing)
FINAL PLAN REVIEW

and

AFP-07-005 -- Macroland CD Zone
611 South Frederick Avenue
New Parking
AMENDMENT TO FINAL PLAN REVIEW

Planner Marsh located the above parcels on an aerial photograph. She provided background information regarding each plan, noting they are being reviewed together as both projects are presently on one property, which will be subdivided with approval of SP-04-0007.

Applicant representative Matthew Smith, S&S Planning and Design, LLC, presented the plans for both projects on 4.61 acres and reviewed the previous plan approvals relating to the projects. He stated that since the Macroland building was approved for all retail space, additional parking is needed. He noted the location of the stream valley buffer and the area to be placed in a conservation easement as identified in the forest conservation plan.

He presented the SP-04-0007 plan for three new residences and one existing home. In response to Chair Bauer, he indicated that a road code waiver would be needed for the access driveway for the turn-around area and the driveway width due to the property constraints from the stream valley buffer. He also presented and discussed the proposed Macroland site plan and noted there would be no impact on the stream valley buffer.

Architect for the applicant, David Delmar, Delmar Architects, presented the proposed architectural elevations, noted the locations of each elevation, and discussed the proposed materials (brick and vinyl siding) and the compatibility features with the existing house. In response to questions of Vice-Chair Levy and Commissioner Winborne, Mr. Delmar discussed the visibility of the proposed rear elevations from the adjacent residences and noted that the farmhouse existing on the property would get a two-story addition. Commissioner Kaufman commented on the interesting style of the existing house, noting the large homes proposed behind it have no relationship with it and was concerned over the transition from the old to the new. Planner Marsh noted the existing farmhouse is historically designated and the proposed addition to it is not part of this review.

There was no public testimony.

Ms. Marsh voiced staff's recommendation for approval, as the plan meets the approval criteria of the City Code, subject to the applicant's compliance with conditions that she listed.

In response to Chair Bauer, Ms. Marsh noted the footprints of the units proposed by the subject plan are identical to those on the approved concept plan and the basic planning strategy for the site has not changed. Regarding the access driveway design, she indicated the applicant had considered different scenarios with Public Works staff due to the site limitations imposed by the stream valley buffer, which resulted in the subject proposal. Ms. Marsh further noted that the City Fire Marshal had also reviewed the plans.

Chair Bauer and Commissioner Hopkins commented favorably on the Macroland plan.

Commissioner Winborne moved, seconded by Commissioner Hopkins, to grant AFP-07-005 – Macroland, AMENDMENT TO FINAL PLAN APPROVAL, finding it in compliance with Zoning Ordinance §§ 24-170 and 24-172, with the following conditions:

1. The applicant shall receive final approval of the storm water management and sediment erosion control plan from the Department of Public Works, Park Maintenance, and Engineering (DPWPME) prior to the issuance of any permits;
2. The applicant shall receive final approval of the landscape and lighting plan from staff prior to the issuance of any permits;
3. The applicant and the City shall renegotiate and amend Annexation Agreement X-176 for the correction of zoning designation and language prior to the issuance of any permits;
4. The applicant shall provide a forest conservation easement that will serve as a covenant for the purpose of conserving open space prior to the issuance of any permits. The forest conservation easement will apply to the 2.8-acre stream valley buffer; and
5. The applicant shall prepare and record a record plat in the Montgomery County Land Records.

Vote: 5-0

Regarding the Rashidian Estates plan, Commissioner Kaufman reiterated his concern over the scale of the proposed new units, noting they are not simple houses as portrayed by the applicant. Chair Bauer pointed out the restrictions of the site and the compatibility of the use with the properties in the area, noting, however, that vinyl siding is an inappropriate material for these units given the style and materials of the existing farmhouse. Commissioner Hopkins agreed and supported the plan in terms of filling in the property with residences rather than with an industrial use. He also shared the concern over the vinyl siding, noting that these new homes require a higher level of design, since they border another use. The Commission discussed appropriate materials and color to replace the vinyl siding, as well as the staff-suggested conditions, and moved as follows:

Vice-Chair Levy moved, seconded by Commissioner Winborne, to grant SP-04-0007 - Rashidian Estates, FINAL PLAN APPROVAL, finding it in compliance with Zoning Ordinance §§ 24-30, 24-170 and 24-171, with the following conditions:

1. The applicant must receive a road code waiver from the Mayor and City Council for the cul-de-sac and the access road prior to the issuance of any permits;
2. The applicant is to receive final approval of the final forest conservation plan from the Division of Environmental Affairs prior to the issuance of any permits;
3. The applicant is to receive final approval of the storm water management and sediment erosion control plan from the DPWPME prior to the issuance of any permits;
4. The applicant and the City shall renegotiate and amend Annexation Agreement X-176 for the correction of zoning designation and language prior to the issuance of any permits;
5. The applicant shall record a forest conservation easement that will serve as a covenant for the purpose of conserving open space prior to the issuance of any permits. The forest conservation easement will apply to the 2.8-acre stream valley buffer;
6. The applicant shall prepare and record a record plat in the Montgomery County Land Records;
7. The applicant shall work with staff to revise the building elevations to provide either a cement-fiber siding, a painted wood siding, or brick masonry materials in lieu of vinyl siding; and
8. The applicant shall work with staff to revise the elevations to provide for dimensional shingles.

Vote: 4-1 (Opposed: Kaufman)

SP-07-0011 -- Monument/IBM
800 Watkins Mill Road
Phases IIA and IIB Parking
FINAL PLAN REVIEW

I-3 Zone

Community Planning Director Schwarz located the property on an aerial photograph, noting the parcel under consideration is part of the Monument Office Park. She briefly provided background information and indicated the proposal before the Commission is the extension of parking area behind the IBM building.

Engineer for the applicant, Jeff Amateau, VIKA, Inc., presented the parking plan, noting it proposes to relocate the existing parking on Parcel E to Parcel D of IBM in two phases. He indicated that 492 spaces would be replaced in Phase 1 and 143 spaces would be replaced in Phase 2. He indicated on the plan the location of each phase and, in response to Chair Bauer, noted that the purpose of this parking extension is to clear the area of the existing parking lot for construction of a new building.

There was no public testimony.

Mrs. Schwarz noted the plan meets the approval criteria of the City Code and recommended approval with conditions as listed in the Staff Comments. In response to Commissioner Hopkins, she provided information regarding the storm water management and bio retention areas.

Commissioner Kaufman moved, seconded by Commissioner Winborne, to grant SP-07-0011 - Monument/IBM, FINAL PLAN APPROVAL, finding it in compliance with Zoning Ordinance § 24-170, with the following conditions:

1. Applicant is to receive final approval for the site plan, storm water management, sediment control and lighting plans from the DPWPME prior to the issuance of site work permits; and
2. Applicant is to receive approval of the storm drain outfall adjacent to I-270 right-of-way, on the south end of the parcel, prior to the issuance of a site work permit.

Vote: 5-0

SP-07-0010 -- Asbury Manor Homes
201 Russell Avenue/Odend'hal Road
Apartments/Homes
PRELIMINARY PLAN REVIEW

R-90 Zone

Planner Patula located the property and introduced the applicant.

Architect for the applicant, Mark Bombaugh, Torti Gallas and Partners, Inc., noted this project is in context with the previous plan the Commission approved in August 2007. He presented the proposed plan noting its design is an ensemble of five similar buildings with the central building being very different. He added that this project aims to transition between the low density of the courtyard neighborhood and the higher density of the area adjacent to this parcel. He discussed the access road, parking, and the architectural design. Regarding the latter, he presented elevations and a streetscape rendition, noting stacking balconies, porches and materials. In response to Chair Bauer, he indicated there would be no dumpsters, as there would be no trucks making deliveries.

Ms. Patula noted the plan meets the approval criteria of the City Code and voiced staff's recommendation for approval, subject to conditions as listed in the Staff Comments.

There was no testimony from the public.

Chair Bauer commented favorably on the proposal, adding that the landscaping needs to be significant and in layers at the edges of the campus as it faces Odend'hal Avenue. Vice-Chair Levy supported the diverse housing type. Commissioner Hopkins inquired about the LEED checklist and voiced his enthusiastic support of the planning design.

Commissioner Kaufman moved, seconded by Commissioner Winborne, to grant SP-07-0010 - Asbury Manor Homes, PRELIMINARY PLAN APPROVAL, finding it in compliance with Zoning Ordinance § 24-170 and Subdivision Ordinance § 20-11, with the following conditions:

1. Applicant is to receive approval of the storm water connections to Odend'hal Avenue by Montgomery County Department of Public Works and Transportation;
2. At the time of final site plan submission, the applicant shall provide construction plan details of the retaining walls and guardrails; and
3. Applicant is to provide parking details in the garage in accordance with Zoning Ordinance § 24-218 (Parking Article).

Vote: 5-0

V. FROM THE COMMISSION

Vice-Chair Levy

1. Thanked City Attorney Borten for her service to the Planning Commission and wished her well in her future endeavors. Chair Bauer and the rest of the Commission echoed Vice-Chair Levy's comments.
2. Asked that the Commission be informed of planning-oriented events being held in the City, to which the Planning Commission might not be invited directly.

Commissioner Hopkins

1. Suggested the City set up an information booth at events like the Urban Land Institute (ULI) Market Place, noting that effective exhibits and information regarding master planning already done are ways to get the community interested in and make developers aware of what is available in the City for building improvement of districts.
2. Recommended that strategically placed areas for community events be incorporated in the planning of communities.

Commissioner Kaufman

Thanked City staff for their work at making Celebrate Gaithersburg Day on Sunday, September 16, 2007, a success. The Commission echoed Mr. Kaufman's comments.

VI. FROM STAFFCommunity Planning Director Schwarz

Listed upcoming scheduled events that included the Rockville Town Center Tour on September 25, the Kentlands Boulevard Charrette at 255 Kentlands Boulevard on October 4-9, and the Commissions' regular October meetings on the 3rd and 17th.

VII. ADJOURNMENT

There being no further business to come before this session, the meeting was duly adjourned at 8:45 p.m.

Respectfully submitted,

M. Gonzalez
Recording Secretary